

REMARKS/ARGUMENTS

A. Remarks.

Claims 1, 4-8, 11, 14-18, 31, 33-38, and 40-44 are pending in the application, of these, claims 1,4-8, 11, 14-18, 31, 33-38, and 40-44 stand rejected and claims 9-10, 19-20, and 39-40 are objected to. Claims 11, 14-20, and 44 stand rejected under U.S.C. §101 as being directed to non-statutory subject matter. Claims 1, 4-8, 11, 14-18, 31, 33-38, and 40-44 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,938, 470. Claims 1, 11, 31, and 43 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 8, and 15 of U.S. Patent No. 7,162,918. Claims 9-10, 19-20, and 39-40 stand objected to as being dependent on a rejected base claim, but were otherwise found allowable if rewritten in independent form.

B. Response

1. 35 U.S.C. § 101 – Claims 11, 14-20, and 44.

Claims 11, 14-20, and 44 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, applicant maintains that these claims do meet the patentability requirements under 35 U.S.C. §101, however in order to facilitate prosecution of the present application claim 11 is being amended with this response. More specifically, claim 11 has been amended with this response to recite the fluid properties of density, viscosity, dielectric constant, and resistivity. As such claim 11 clearly claims a tangible result. Since the remaining claims all depend from claim 11, they also are patentable over 35 U.S.C. §101.

2. Double Patenting – Claims 1, 4-8, 11, 14-18, 31, 33-38, and 40-44

Claims 1, 4-8, 11, 14-18, 31, 33-38, and 40-44 stand rejected on the ground of non-

statutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,938, 470. In response, a terminal disclaimer is being filed with this paper to overcome this rejection.

3. Double Patenting – Claims 1, 11, 31, and 43

Claims 1, 11, 31, and 43 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 8, and 15 of U.S. Patent No. 7,162,918. In response, a terminal disclaimer is being filed with this paper to overcome this rejection.

4. Claim Objections – Claims 9-10, 19-20, and 39-40.

Claims 9-10, 19-20, and 39-40 stand objected to as being dependent on a rejected base claim, but were otherwise found allowable if rewritten in independent form. Since this paper addresses the rejections to the base claims from which these claims depend, applicant respectfully requests the objections to claims 9-10, 19-20, and 39-40 be reconsidered and removed. Moreover, because these claims were found allowable if rewritten, allowed claims 9-10, 19-20, and 39-40 are not subject to the terminal disclaimer.

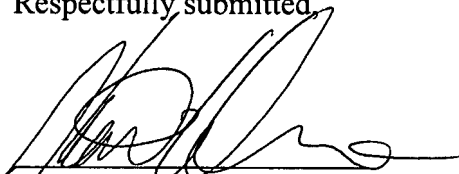
CONCLUSION

Applicant respectfully asserts that amended claim 11 (and its dependent claims) produces a tangible result and therefore contains patentable subject matter in light of 35 U.S.C. § 101. In light of the terminal disclaimers include herewith, it is respectfully requested the double patenting rejections be reconsidered and removed. It is believed that the foregoing response is full and complete. Applicants respectfully request reconsideration of the instant application in light of the foregoing response and amendments.

Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicants' representative by telephone or fax.

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Respectfully submitted



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